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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/636,012

Applicant(s)

DORAN ET AL.

Examiner

Mon Cheri S. Davenport

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-11, 13-18, 22-23, and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-11, 13-18, 22-23, and 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. **Claims 6-11, 13-18, 22-23, and 25-30** rejected under 35 U.S.C. 102(e) as being anticipated by Hutchison (US Patent Application Publication 2003/0119536).

Regarding **Claim 6** Hutchison discloses an implicit floor control method for a packet-based real-time media session in which a plurality of user stations exchange media via a communication server on a packet-switched network, wherein the packet-based real-time media session defines a floor that only one of the user stations can hold at any time, the implicit floor control method comprising (*see figure 1, [0010]*):

a given user one of the user stations receiving from a user a request for the floor (*see [0024], arbitration is implemented in the wireless communication devices, the arbitration responsibility can migrate from device to device*); and

the given user station responsively beginning to send a first media stream to the communication server as an implicit floor request (*see [0024], arbitration is implemented in the wireless communication device, and will process access request*);

while the given user station is sending the first media stream to the communication server, the given user station beginning to receive a second media stream from the communication server (*see [0035], WCD(user station), transmits over broadcast link, the server then send acknowledgement to WCD*); and

the given user station treating its receipt of the second media stream from the communication server as an implicit denial of the implicit floor request (*see [0037], access is not granted and controller sends an unfavorable acknowledgement, see also paragraph [0038],*

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lines 1-4, WCD 2 may generate an indication of the unfavorable acknowledgement, again as a visual, audible or tactile indication, to the user, which reads on media stream).

Regarding **Claim 7** Hutchison discloses everything as applied above (*see claim 6*). In addition the implicit floor control method includes:

wherein the given user station has a floor-control request mechanism and has a wireless communication interface for wirelessly communicating with a radio access network that provides connectivity with the packet-switched network, and wherein (*see [0024]*):

receiving the request for the floor from the user comprises detecting user actuation of the floor-control request mechanism (*see [0033], arbitration controller (wireless device), response to access request*) ; and

beginning to send the first media stream to the communication server comprises beginning to wirelessly transmit the first media stream via the wireless communication interface to the radio access network for transmission of the first media stream in turn over the packet-switched network to the communication server (*see [0035], access is granted, by controller the directs the audio over the broadcast link*).

Regarding **Claim 8** Hutchison discloses everything as applied above (*see claim 7*). In addition the implicit floor control method includes:

wherein the first media stream carries a digital representation of voice provided by the user (*see [0026], CDMA, GSM, WCDMA(digital network), see [0019], digital audio communication is transmitted to controller*).

Regarding **Claim 9** Hutchison discloses everything as applied above (*see claim 6*). In addition the implicit floor control method includes:

the communication server beginning to receive the first media stream as the implicit floor request (*see [0022], receiving audio serves as access request*); and

the communication server responsively granting the floor to the given user station if no other user station currently holds the floor (*see [0021], controller grants or denies access*).

Regarding **Claim 10** Hutchison discloses everything as applied above (*see claim 9*). In addition the implicit floor control method includes:

the communication server disregarding the first media stream if another user station currently holds the floor (*see [0032], access is denied , audio is discarded*).

Regarding **Claim 11** Hutchison discloses everything as applied above (*see claim 9*). In addition the implicit floor control method includes:

wherein granting the floor to the given user station comprises(*see [0031], access is granted*):

beginning to forward media of the first media stream to each other user station of the plurality of user stations engaged in the packet based real-time media session (*see [0031], access is granted audio is sent over broadcast link*).

Regarding **Claim 13** Hutchison discloses everything as applied above (*see claim 6*). In addition the implicit floor control method includes:

wherein treating receipt of the second media stream from the communication server as an implicit denial of the implicit floor request comprises:

discontinuing sending the first media stream to the communication server (*see [0037], access is denied, controller does not direct audio over the broadcast link*).

Regarding **Claim 14** Hutchison discloses everything as applied above (*see claim 6*). In addition the implicit floor control method includes:

wherein treating receipt of the second media stream from the communication server as an implicit denial of the implicit floor request comprises:

alerting a user of the given user station that the floor has been denied (*see [0037], access is denied, controller sends an unfavorable acknowledgement*).

Regarding **Claim 15** Hutchison discloses everything as applied above (*see claim 13*). In addition the implicit floor control method includes:

wherein alerting the user of the given user station that the floor has been denied comprises providing at least one alert selected from the group consisting of (i) an audible alert, (ii) a visual alert and (iii) a vibratory alert (*see [0038], unfavorable acknowledgement is visual, audible or tactile indication(iii)*).

Regarding **Claim 16** Hutchison discloses an implicit floor control method for a packet-based real-time media session in which a plurality of user stations exchange media via a communication server on a packet-switched network, wherein the packet-based real-time media session is half-duplex and therefore defines a floor that only one of the user stations can hold at any time, the implicit floor control method comprising (*see figure 1, [0010]*):

a given one of the user stations receiving from a user a request for the floor while the user station is receiving an incoming media stream from the communication server (*see [0034], controller direct audio over broadcast link, a user (2) is requesting access to the broadcast link*) ; and

the given user station treating its receipt of the incoming media stream from the communication server as an implicit denial of the user's request for the floor (*see [0037], access is denied, controller does not direct audio from user (2)*).

Regarding **Claim 17** Hutchison discloses everything as applied above (*see claim 16*). In addition the implicit floor control method includes:

in response to the implicit denial, the given user station alerting the user that the floor is denied (*see [0037], controller sends unfavorable acknowledgement, when access is denied*).

Regarding **Claim 18** Hutchison discloses everything as applied above (*see claim 17*). In addition the implicit floor control method includes:

wherein alerting the user that floor is denied comprises providing the user with at least one alert selected from the group consisting of (i) an audible alert, (ii) a visual alert and (iii) a vibratory alert (*see [0038], unfavorable acknowledgement is visual, audible or tactile indication(iii)*).

Regarding **Claim 22** Hutchison discloses a cellular mobile station (**wireless communication device**) comprising:

a floor-control request mechanism (*see figure 1, inherent in 14A-14N, see [0024]*);
a processor programmed (i) to respond to user actuation of the floor-control request mechanism by beginning to send a first media stream as an implicit floor request to a communication server (*arbitration controller*)(*see figure 2, see [0024]*) and (ii) to treat receipt

of a second media stream from the communication server, as an implicit floor denial (*see [0037], controller sends a unfavorable acknowledgement , when access is not granted, see also paragraph [0038], lines 1-4, WCD 2 may generate an indication of the unfavorable acknowledgement, again as a visual, audible or tactile indication, to the user, which reads on media stream).*

Regarding **Claim 23** Hutchison discloses everything as applied above (*see claim 22*). In addition the cellular mobile station includes:

wherein the first media stream comprises a sequence of packets carrying a digital representation of voice provided by a user (*see [0026], CDMA, GSM, WCDMA(digital network), see [0019], digital audio communication is transmitted to controller).*

Regarding **Claim 25** Hutchison discloses everything as applied above (*see claim 22*). In addition the cellular mobile station includes:

the processor is programmed to discontinue sending the first media stream to the communication server in response to the implicit floor denial (*see [0037], when access is not granted, controller does direct the audio from user).*

Regarding **Claim 26** Hutchison discloses everything as applied above (*see claim 22*). In addition the cellular mobile station includes:

the processor is programmed to alert a user about the floor denial (*see [0038], when access is not granted controller will send unfavorable acknowledgement, as visual, audible, or tactile indication).*

Regarding **Claim 27** Hutchison discloses an implicit floor control method for a full-duplex packet-based real-time media session in which a plurality of user stations exchange media

via a communication server on a packet-switched network, the implicit floor control method comprising (*see figure 1, see [0010]*):

In the full-duplex packet-based real-time media session (see paragraph [0026] lines 11-12, wireless communication CDMA, GSM WCDMA, or the like), the communication server granting levels of floor to two or more user stations in response to receipt of media streams from the user stations and based on an order in which the communication server begins to receive the media streams from the user stations (*see [0034], broadcast priority*), wherein granting levels of floor to two or more user stations comprises granting a highest floor level to a first user station from which the communication server receives a media stream when the first user station currently holds the highest floor level(*see paragraph [0058], lines 12-19, arbitration will involve arbitration among multiple devices (two or more) that may be requesting access as well as the device that presently has access. If the access request is granted (118), the arbitrating device relinquishes control of the broadcast link to the requesting device (highest floor level) and may transmit a communication to base station 12 to that effect.*

Regarding **Claim 28-30** Hutchison discloses everything as applied above (*see claim 6, 16, and 22*). In addition the cellular mobile station and method includes:

Real-time Transport Protocol (RTP) stream (*see paragraph [0038], lines 1-4, WCD 2 may generate an indication of the unfavorable acknowledgement, again as a visual, audible or tactile indication, to the user, which reads on RTP stream*).

Response to Arguments

Claim Objections

2. Previous objections are withdrawn in view of Applicant's amendment filed August 7, 2007.

Claim Rejections - 35 USC § 112

3. Previous rejection under 35 USC 112, second paragraph, are withdrawn in view of Applicant's amendment filed August 7, 2007
4. Applicant's arguments filed August 7, 2007 have been fully considered but they are not persuasive.

In the remarks on pg. 10 of the amendment, the applicant contends that Hutchinson does not teach or suggest "implicit denial of a floor request" and it never suggests anything about receiving audio as a floor denial.

Examiner respectfully disagrees Hutchinson teaches the communication server generate an indication of the unfavorable acknowledgement, as a visual, audible or tactile indication, to the user, which reads on RTP stream. See rejection of claim 6.

5. Applicant's arguments with respect to **claims 27-30** have been considered but are moot in view of the new ground(s) of rejection. See rejection of claims 27-30.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mon Cheri S. Davenport whose telephone number is 571-270-1803. The examiner can normally be reached on Monday - Friday 8:00 a.m. - 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MD/md

October 11, 2007



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